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Testimony in Opposition to Senate Bill 295
Senate Committee on Children and Families and Department of Workforce Development
Julaine K. Appling, WFA President
March 31, 2010

Thank you, Chairman Jauch and committee members, for the opportunity to testify today on Senate Bill 295. My name is Julaine Appling, and I am testifying today as president of Wisconsin Family Action, a statewide organization that represents tens of thousands of Wisconsin individuals and families, as well as hundreds of churches that are concerned about strengthening and preserving marriage, family, life and liberty in our state. I am speaking today in opposition to SB 295.

I was originally thinking that I would testify today for information only. However, upon further reflection and research, I determined the only appropriate position on this bill for our organization was “opposed.”

When the author’s staff member informed us that the bill was introduced because of a specific musically prodigious ten-year-old child who was not able to play in cabarets, taverns, roadhouses, night clubs, and other similar places, I realized we were once again about to make bad public policy because of a knee-jerk reaction to a single incident. Knee-jerk legislation by its nature does not typically give us thoughtful, prudent, appropriate public policy.

Current law prudently protects children 14 years old and younger by prohibiting them for being employed as musicians, singers, performers or dancers at a roadhouse, cabaret, dance hall, night club, tavern or similar place. Obviously, when the legislature passed that provision they were concerned about the health and well-being of young, impressionable children. Such places are designed for adults, with drinking and adult-oriented entertainment. Regardless of whether a minor is providing entertainment, is accompanied by his/her parents, and is out before 9 or 10 p.m., all of which are provisions in SB 295, we believe such environments are not suitable for children, and the state should not be in any way sanctioning their employment in such establishments..

We do not see that this bill is something numerous people are requesting. Further, while it is good to see that the authors of this bill would require a parent to be present, even the best of parents cannot prevent the influence of the environment in such a place, whose very reason for existence is to entertain adults. We can also easily see this provision being used by those so inclined to exploit children—and not just financially. For example, while the bill does not specifically state that “dancers” are included in the type of entertainment, it does state “performers” would be permitted. Unless Wisconsin Statutes makes a very clear distinction between “performers” and “dancers” for these types of establishments, it is certainly not far-fetched to think that a child dancer could easily be not only exploited but likely set up for abuse—not within the establishment of course, but by the exposure at the establishment.

And, finally, we contend that in a state where underage drinking is endemic, purposely changing this law in a way that allows any minors 14 and under to spend considerable time as an employee or performer in roadhouses, cabarets, dance halls, night clubs, taverns or similar places, establishments specifically catering to drinking, will undoubtedly contribute to the problem.

It is our understanding that the Department of Workforce Development, through its promulgated rules and regulations, functions as the police, so to speak, for this bill, having to make the determination of whether or not a particular place is detrimental to the health, safety or welfare of the minor.

We fail to see how any of the above-noted establishments is not detrimental to the health, safety or welfare of the minor entertainer, no matter how exceptionally talented he/she may be.

I doubt that it is any secret that Wisconsin Family Action ardently supports limited government. However, we do not think government is inherently evil and has no role in society. To the contrary, we recognize and agree that government has some very clearly defined and appropriate roles. One of those is the protection of its citizens. Government must take special care that it protects the most vulnerable, its young people, from inappropriate influences, in particular from places and people who could take advantage of a young person in the most heinous of ways. This bill, with distinctly no popular mandate but rather a single family asking for it, would certainly put government in a position, at the very least, of removing appropriate prohibitions and, at worst, sanctioning exposure of young people to that which is detrimental to their health, safety or welfare.

I urge you to oppose SB 295.



State Senator
Neal J. Kedzie

11th Senate District

Senate Bill 295
Testimony of Senator Neal Kedzie
Senate Committee on Children and Families and Workforce Development
March 31st, 2010

Senator Jauch, members of the Committee, thank you for holding a hearing today on Senate Bill 295. I introduced this legislation on behalf of a ten year old constituent of mine, Tallan Latz, who has a unique talent for playing blues guitar.

Tallan's father Carl, contacted my office after he received a letter from the Department of Workforce Development questioning the legality of Tallan's performances at area festivals where alcohol is served. Eventually, that issue was resolved to everyone's satisfaction. However, in researching the issue, it became clear that Wisconsin law does prevent Tallan from performing in other venues.

Under current law, children under the age of 14 are generally prohibited from being employed. Children aged 14 and older may be employed, but only if they have obtained a work permit. A current exemption to this law does allow a minor child to sing, play, or perform in any theatrical or musical exhibition, concert, or festival without obtaining a work permit if the activity is not: detrimental to the life, health, safety, or welfare of the child; does not interfere with the child's schooling; and, a parent or guardian of a child under the age of 16 is present. This exemption, however, does not allow a child to perform in a roadhouse, cabaret, dance hall, night club, tavern, or other similar place.

Senate Bill 295 amends current law to permit a child to perform in a roadhouse, cabaret, dance hall, night club, tavern, or other similar place, if the performance ends prior to 10:00 p.m. on a day not preceding a school day or before 9:00 p.m. on a day preceding a school day. Current law restrictions that a parent or guardian must be present would still apply, as well as the requirement that the activity is not detrimental to the life, health, safety, or welfare of the child.

I realize that some people may think it is controversial to allow a child to perform in a nightclub setting. It should be noted, however, that Wisconsin law currently allows a patron of the same nightclub to bring a child of theirs with them to the establishment.

Finally, please know that I have not entered into this lightly. Rather, I made the decision to introduce the bill only after careful consideration. Ultimately, I do not believe that this law will be widely utilized. However, I do think that from time to time, it will be appropriate for unique children with unique talents to perform in these types of settings, and Senate Bill 295 will allow parents to decide if it is suitable for their child.

If any of you have had the opportunity to see Tallan perform at Summerfest or on the TV show America's Got Talent, you can clearly see that he is a talented young musician. Some have even referred to him as a child prodigy. I personally believe that Wisconsin law should provide flexibility to allow children like Tallan to seek their full potential.

Thank you for your consideration of Senate Bill 295, and I would be happy to answer any questions you may have.